

REMARKS

This amendment is in response to the Office Action dated March 8, 2008. In order to facilitate prosecution, claims 2 – 3 and 12 are cancelled and claims 1, 5 – 6 and 9 – 11 are amended without prejudice to the subject matter involved. Claims 1, 5 – 6, 9 – 11, and 13 – 16 are in the application upon entry of this amendment; wherein claims 13 - 16 stand withdrawn from consideration. Applicants reserve the right to pursue any cancelled or withdrawn subject matter in one or more continuing applications.

The Examiner is requested to enter and consider this Amendment even though presented after final rejection since the amendments narrow the scope of the claims, overcome the cited prior art, put the instant amended claims in condition for allowance, and require no additional search and little additional effort on the part of the Examiner.

The Examiner's presumption regarding joint inventors is correct.

Applicants respectfully traverse the rejection of claims 1, 5 – 6 and 9 – 11 under 35 USC §103 as being unpatentable over WO/02100173 (Cornes) in view of Kent et al..

While not acquiescing to the propriety of the rejection, the claims have been amended in order to advance the prosecution. More specifically, Applicants have amended claims 1 such that mesotrione is applied at between 80 and 150g/ha (support for which can be found in the particularly preferred embodiment suggested on page 2, line 15 of the application) and wherein the prosulfuron is applied at between 10 and 60% based on the concentration of the mesotrione (support for which can be found on page 2, line 19). This amendment provides a claim scope which is considered to clearly be commensurate with the experimental data provided.

The arguments provided in the amendment filed December 18, 2007 are incorporated by reference.

The problem that is addressed by the present invention can thus be seen as the provision of a process which allows mesotrione to be used as part of a weed control program in sorghum, given the improved crop safety afforded by the prosulfuron. Neither of the cited references teach the "safening" effect in sorghum - nor do they teach the exact application rates to which the claims are

Appln. No. 10/520,367
Amendment Dated August 21, 2008
Reply to the Office action of March 21, 2008

now limited. Accordingly, it is submitted that the method as defined by the amended claims is non-obvious in view of the prior art teachings whether taken alone, or in any combination.

A favorable reconsideration and a withdrawal of the § 103 rejection are respectfully requested. Applicants submit that the present claims are allowable over the cited art and respectfully request a Notice of Allowance.

Respectfully submitted,

USPTO Customer No. 26748
Syngenta Crop Protection, Inc.
Patent and Trademark Dept.
410 Swing Road
Greensboro, NC 27409
(336) 632-7895

/William A. Teoli, Jr./
William A. Teoli, Jr.
Attorney for Applicants
Reg. No. 33,104

Date: August 21, 2008